

INSTRUCTIONS FOR NOTICE OF DETERMINATION OF CONTROLLING ORDER

PURPOSE OF THE FORM: When a tribunal makes a determination regarding which order is controlling for purposes of continuing, exclusive jurisdiction, this form is used to notify the parties and other tribunals/agencies of this determination. Under the Uniform Interstate Family Support Act (UIFSA), only the controlling order should be recognized for prospective enforcement (i.e., enforcement of current support). This form is designed to notify other tribunals/agencies when a tribunal makes a determination of which order is controlling, or when the tribunal issues a new child support order or modifies a child support order. When a new order is issued or an order is modified in accordance with UIFSA, the new order (or newly modified order) becomes the controlling order.

This notice provides a standard format for alerting entities in other jurisdictions about a controlling order determination. The actual determination will likely be in a State-specific format (e.g. order or form) which may be attached to the standard Notice of Determination of Controlling Order if necessary. The Notice of Determination of Controlling Order provides the information about the controlling order in a uniform, standard format that will facilitate interstate processing.

Complete this notice when your tribunal makes a determination of which order is controlling, or when your tribunal issues a new child support order or modifies a child support order. Generally, this form only needs to be used when there are multiple orders governing the same obligor/obligee/child(ren).

If multiple orders governing the same obligor, obligee, and child(ren) exist, a UIFSA State can only prospectively enforce or modify the "controlling order" in a UIFSA proceeding. UIFSA contains rules for determining which order is recognized when multiple orders exist. Under these rules:

1. The order issued by a tribunal with continuing, exclusive jurisdiction (CEJ) has priority. As issuing tribunal retains CEJ as long as the issuing State remains the residence of the obligor, obligee, or child, or until all parties file written consent with the tribunal allowing another State to modify the order.
2. If more than one issuing tribunal would have CEJ, the order issued by the child's current home State has priority.
3. If more than one tribunal would have CEJ but there is no order in the child's current home State, the most recently issued order has priority.
4. If no tribunal would have CEJ, the responding State may issue a new support order and it becomes the CEJ State.

While only the controlling order should be recognized for prospective enforcement, arrears that accrued under other orders may still be enforced.

You must use the Notice of Determination of Controlling Order to notify:

- the initiating IV-D agency if you are acting as a responding jurisdiction in an interstate action,
- any tribunal that has issued, registered, or is enforcing a child support order governing the same parties and child(ren),
- any IV-D agency with an open or closed IV-D case for the parties,
- a party to the order (i.e., the obligor or obligee), as appropriate, or

- a central registry in another State. It may be particularly important to notify a central entity if it keeps a registry of all orders in that State. A central registry may also be willing to notify tribunals or agencies within that State.

HEADING/CAPTION:

- Enter the date of the notice.
- Identify the obligor and obligee in the appropriate spaces.
- Check the appropriate space to identify the type of case: IV-D Non Public Assistance; IV-D Non Public Assistance Medicaid (indicate whether receiving Full Services or Medical Services Only); IV-D Public Assistance; IV-E Foster Care; or Non IV-D. IV-D means the case is being worked by the State or local child support enforcement agency (i.e., IV-D agency). Public Assistance means the obligee's family receives IV-A cash payments [IV-A was formerly called Aid to Families with Dependent Children (AFDC) and is now called Temporary Family Assistance]. A IV-D Non Public Assistance Medicaid case is a case where the obligee's family receives Medicaid but does not receive Public Assistance (IV-A cash payments).
- In the space marked "To:", list the name and address (street, city, State, and zip code) of the central registry, court, or agency where you are sending the Notice of Determination of Controlling Order.
- In the appropriate spaces, if applicable and if known, enter the FIPS code, State, IV-D case number, and docket number of the jurisdiction to which you are sending the Notice. Under "docket number", you may enter the docket number, cause number, or any other appropriate reference number that the receiving State may use to identify the case, if known.
- In the space marked "From:", list a contact person, agency name, address (street, city, State, zip code), phone number (including extension), fax number, and Internet address.
- In the appropriate spaces, enter your jurisdiction's FIPS code, State, IV-D case number, and docket number. Under "docket number", you may enter the docket number, cause number, or any other appropriate reference number which the tribunal or agency has assigned to the case.

MAIN BODY OF FORM:

- In the first blank in item 1, enter the date that the determination of controlling order was made. In the second blank, enter the Name, County, and State of the tribunal which made the determination.
- For each order considered in the controlling order determination, list in the table in item 1 the County, State, Date of Order, IV-D Case Number, Docket Number (enter docket number, cause number, or other appropriate reference number), and Order Type (e.g., de novo support, modification, dissolution, contempt, paternity, etc.). Include any order issued or modified by this tribunal in the present action. If more than five orders were considered, list and number additional orders on an attached sheet and check the space below the table which says "Additional orders listed on attached sheet".
- In the blank in item 2, enter the number from the table (first column) of the order that was determined to be controlling.
- In item 3, check the first box if a modified order was entered and is attached. Check the second box if a new order was entered and is attached.